

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

TIMOTHY RONK

PETITIONER

v.

CIVIL ACTION NO. 1:19-CV-346-HSO

**BURL CAIN, Commissioner, Mississippi
Department of Corrections and
LYNN FITCH, Attorney General of the
State of Mississippi**

RESPONDENTS

**ORDER GRANTING MOTION FOR ADDITIONAL
TIME TO FILE STATE COURT SUCCESSIVE
PETITION FOR POST-CONVICTION RELIEF**

This matter is before the Court on the Motion for Additional Time to File State Court Successive Petition for Post-Conviction Relief [Doc. #47] filed by the Petitioner, Timothy Ronk. In an earlier Order, this Court required Ronk to file that petition in state court by August 4, 2021. A review of the docket of his state court case shows that Ronk filed a motion for appointment in state court, which was opposed by the State. The purpose of the petition was to exhaust claims of ineffectiveness of post-conviction counsel, a right created by the Mississippi Supreme Court in *Grayson v. State*, 118 So. 3d 118, 125-26 (Miss. 2013).

On July 10, 2021, the Mississippi Supreme Court entered an Order dismissing his motion for appointment, “without prejudice to his right to seek a determination from the district court on whether it is appropriate for [habeas counsel] to exhaust his claims in state court in the course of their federal habeas representation.” Counsel for Ronk has filed a motion for reconsideration or clarification of that ruling. For these reasons, the Court is of the opinion that the Motion should be granted, and Ronk should be given an additional thirty days within which to file his successive post-conviction petition in state court.

IT IS, THEREFORE, ORDERED that the Motion for Additional Time to File State Court Successive Petition for Post-Conviction Relief [Doc. #47] is **GRANTED**. The Petitioner has until September 7, 2021, within which to file his successive post-conviction petition in state court. The other deadlines established in the February 23, 2021 Order [Doc. #35] remain in effect.

It is so ordered, this the 4th day of August, 2021.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE